

ACTION
OCA 87-2954**OFFICE OF CONGRESSIONAL AFFAIRS****Routing Slip**

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	XX	
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		
8. Executive Officer		
9. FOIA Officer		
10. Constituent Inquiries Officer		
11. <input type="text"/>		X
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SUSPENSE

16 JUL 87
DateAction Officer: Remarks: 13 July 87
Name/Date

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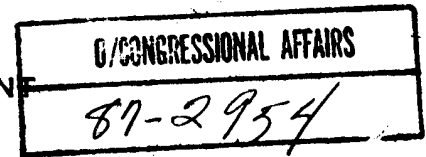
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503



July 9, 1987

LEGISLATIVE REFERRAL MEMORANDUM

SPECIAL

TO: Legislative Liaison Officer

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OCA FILE

LEG

RECPT #

SUBJECT: REVISED -- Department of Transportation draft bill --
"To amend the Federal Aviation Act of 1958, as amended,
to increase civil penalty limits for safety violations
by persons engaged in commercial aircraft operations
and for other purposes."

NOTE -- This draft bill was previously cleared by OMB
following review by Justice and Defense. DOT
now proposes to revise this legislation to extend
NTSB accident investigation responsibility to
accidents involving non-military Federal
aircraft.

The Office of Management and Budget requests the views of your
agency on the above subject before advising on its relationship to
the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than

5:00 p.m. -- THURSDAY -- JULY 16, 1987.

Direct your questions to Jim Brown (395-3457), the
legislative analyst in this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: Nancy Potok
Sam Fairchild

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THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

7/9/87

The Honorable George Bush
President of the Senate
Washington, DC 20510

Dear Mr. President:

Enclosed for introduction and referral to the appropriate Committee is a draft bill

"To amend the Federal Aviation Act of 1958, as amended, to increase civil penalty limits for safety violations by persons engaged in commercial aircraft operations, and for other purposes."

The primary intent of the Department of Transportation in proposing this legislation amending section 901 of the Federal Aviation Act of 1958, as amended, (FAAct), is to combat safety violations of the FAAct and regulations and orders issued thereunder. We are proposing this legislation which stiffens existing civil penalty authority for safety violations as a means of deterring future violations. We commend the Senate's passage of this stronger civil penalty authority in the 99th Congress as S. 1750.

Specifically, the bill would increase the maximum civil penalty in section 901 of the FAAct from \$1,000 to \$10,000 for safety violations of the FAAct or regulations issued thereunder by persons who operate aircraft for the carriage of persons or property for compensation or hire. The present civil penalty authority of \$1,000 per violation has been in effect since 1938. The economic effect of that level of civil penalty has eroded substantially in the nearly five decades which have passed since that time. An airman would not, however, be personally subjected to the higher sanctions for violations committed while serving in the capacity as an airman.

While we believe that a \$1,000 maximum civil penalty is adequate for the vast majority of safety violations by the general aviation community, there are cases involving commercial operations where that level of civil penalty is simply not adequate to deter future safety violations. Accordingly, our proposal would permit us to

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07/09/87

13:04

USDOT/LEG+COUN'L

NO. 005

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A BILL

"To amend the Federal Aviation Act of 1958, as amended, to increase civil penalty limits for safety violations by persons engaged in commercial aircraft operations, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 901(a)(1)(A) of the Federal Aviation Act of 1958, as amended, (49 United States Code App. 1471(a)(1)(A)), is amended by inserting "1101," immediately after the word "section" where it first appears.

SEC. 2. Section 901(a)(2) of the Federal Aviation Act of 1958, as amended, (49 United States Code App. 1471(a)(2)), is amended by inserting the phrase ", or of section 1101, 1114, or 1115(e)(2)(B)" immediately after "XII".

SEC. 3. Section 901(a)(1) of the Federal Aviation Act of 1958, as amended, (49 United States Code App. 1471(a)(1)), is amended by inserting the following words immediately after "violation," where it first appears: "except that a person who operates aircraft for the carriage of persons or property for compensation or hire, other than an airman serving in the capacity of an airman, shall be subject to a civil penalty

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